REMARKS

Claims 1-19, 27, and 28 are pending in this patent application.

Claims 1-7, 11-13, 18, and 19 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,387,671 ("the Rubinsky patent"). Applicants request reconsideration of this rejection because the Rubinsky patent does not disclose each and every element recited in the claims. The patent, for example, fails to disclose any device that applies a constant-current pulse pattern between electrodes or applies electrical energy to electrodes for a time and under conditions effective to expose adjacent tissue to a substantially constant electrical current. Given this fact, the rejection for alleged anticipation is improper and should be withdrawn. *Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631 (Fed. Cir. 1987) (a claim is anticipated only if each and every element set forth in the claim is found in a single prior art reference)

Claims 8-10, 14-17, and 27 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Rubinsky patent alone or in combination with U.S. Patent Nos. 5,318,514 and 5,702,359. Applicants request reconsideration of these rejections because even the Examiner's modification of the patents' respective teaching would not have produced any claimed invention. The Office Action, for example, asserts that it would have been obvious to incorporate an optical serial port, an IR port, or a handle into the device disclosed by the Rubinsky patent (Office Action at page 3). Even if such modifications were obvious, however, they still would not have produced any device that applies a constant-current pulse pattern between electrodes or applies electrical energy to electrodes for a time and under conditions effective to expose adjacent tissue to a substantially constant electrical current. Indeed, the Office Action does not identify any disclosure in the cited patents that so much as suggests these features. Accordingly, the rejection under Section 103 is improper and should be withdrawn. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974) (all limitations set forth in a patent claim must be taught or suggested in the prior art to establish a prima facie case of obviousness)

Favorable consideration and an early notice of allowance are earnestly solicited. If the Examiner believes that a telephone conversation would further the prosecution of this case, she is invited to telephone the undersigned at her convenience.

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